

and mislead the purchaser, since the amount of clams contained in said cans was less than that represented. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the cans contained less than represented.

On May 10, 1932, the Sergeant-Paup Co., Seattle, Wash., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$100, conditioned in part that it be brought into conformity with the law under the supervision of this department, and should not be sold or otherwise disposed of contrary to the provisions of the Federal food and drugs act and all other laws.

HENRY A. WALLACE, *Secretary of Agriculture.*

19786. Adulteration of tomato puree and tomato catsup. U. S. v. 30 Cases of Tomato Puree, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 27726, 27735. I. S. Nos. 47433, 47438. S. Nos. 5810, 5815.)

These actions involved the interstate shipment of quantities of tomato puree and tomato catsup, samples of which were found to contain excessive mold.

On or about February 7 and February 11, 1932, the United States attorney for the Western District of Oklahoma, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 30 cases of tomato puree and 168 cases of tomato catsup at Oklahoma City, Okla. It was alleged in the libels that the articles had been shipped in interstate commerce by the Currie Canning Co., from Grand Junction, Colo., to Oklahoma City, Okla., the catsup having been shipped on or about October 10, 1931, and the puree having been shipped on or about December 3, 1931, and that they were adulterated in violation of the food and drugs act. The articles were labeled in part: (Cans) "R. B. M. Co. Brand Tomato Puree Distributed by Ridenour Baker Mercantile Co., Oklahoma City, U. S. A.;" "Heart of the Rockies Brand Tomato Catsup, C. C. Co. * * * Packed by the Currie Canning Co., Grand Junction Colorado."

Adulteration of the articles was alleged in the libels for the reason that they consisted in part of decomposed vegetable substance.

On May 3, 1932, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

HENRY A. WALLACE, *Secretary of Agriculture.*

19787. Adulteration of cabbage. U. S. v. 1 Carload, et al., of Cabbage. Consent decrees of condemnation and forfeiture. Product released under bond to be reconditioned. (6610-A, 6670-A. F. & D. Nos. 28337, 28358.)

Arsenic in an amount which might have rendered the article injurious to health was found on cabbage taken from the interstate shipments involved in these actions.

On May 11, 1932, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of one carload of cabbage at Peoria, Ill. On or about May 13, 1932, the United States attorney for the Southern District of Indiana filed a libel against one carload of cabbage at Indianapolis, Ind. It was alleged in the libels that the article had been shipped in interstate commerce by M. E. Girard from Lafayette, La., the former on or about May 5, 1932, to Peoria, Ill., and the latter on or about May 6, 1932, to Indianapolis, Ind., and that it was adulterated in violation of the food and drugs act.

Adulteration of the article was alleged in the libels for the reason that it contained an added poisonous or deleterious ingredient, arsenic, which might have rendered it injurious to health.

M. E. Girard, Lafayette, La., entered an appearance as claimant for the property in both cases and consented to the entry of decrees. On May 12 and May 14, 1932, respectively, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the claimant

upon payment of costs and the execution of bonds totaling \$2,000, conditioned in part that it should not be sold or disposed of in violation of the Federal food and drugs act and all other laws. The decrees provided further that the product be reconditioned under the supervision of this department and the unfit portions destroyed. In supervising the reconditioning this department required the complete removal of the arsenic by washing or other means.

HENRY A. WALLACE, *Secretary of Agriculture.*

19788. Adulteration and misbranding of butter. U. S. v. 20 Boxes of Butter. Default decree of forfeiture and destruction. (9407-A. F. & D. No. 28324.)

This action involved the interstate shipment of a quantity of butter, samples of which were found to contain less than 80 per cent by weight of milk fat, the standard provided by Congress.

On April 29, 1932, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid, a libel praying seizure and condemnation of 20 boxes of butter, remaining in the original and unbroken packages at Lowell, Mass., consigned about April 13, 1932, alleging that the article had been shipped by the Paul A. Schulze Co., from St. Louis, Mo., to Lowell, Mass., and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Clover Springs Select Cream Country Roll Butter. * * * Distributed by Paul A. Schulze Co., St. Louis, Mo."

It was alleged in the libel that the article was adulterated in that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat as provided by the act of March 4, 1923, which the said article purported to be.

Misbranding was alleged for the reason that the statement "Butter," borne on the label, was false and misleading.

On May 24, 1932, no claimant having appeared for the property, judgment of forfeiture was entered and it was ordered by the court that the product be destroyed by the marshal. The United States marshal disposed of the butter by donating it to a public institution.

HENRY A. WALLACE, *Secretary of Agriculture.*

19789. Adulteration and misbranding of butter. U. S. v. 3 Boxes of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 28342. I. S. Nos. 37640, 37641. S. No. 6052.)

This action involved the interstate shipment of a quantity of butter, samples of which were found to contain less than 80 per cent by weight of milk fat, the standard provided by Congress.

On April 5, 1932, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of three boxes of butter, remaining in the original unbroken packages at Baltimore, Md., consigned about March 22, 1932, alleging that the article had been transported in interstate commerce by the Fred C. Mansfield Corporation, from London, Wis., to Baltimore, Md., and charging adulteration and misbranding in violation of the food and drugs act as amended.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been substituted wholly or in part for the article and had been mixed and packed with it so as to reduce, lower, or injuriously affect its quality or strength.

Misbranding was alleged for the reason that the article was an imitation of and was offered for sale under the distinctive name of another article, to wit, butter.

On May 9, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the United States marshal be directed to sell the goods under condition and instructions from this department. On May 23, 1932, it having been found impractical to sell the butter under such circumstances as to render the sale legal, the marshal was directed by the court to destroy the product.

HENRY A. WALLACE, *Secretary of Agriculture.*